APPENDIX — CITATION OF ADDITIONAL AUTHORITY DATED MARCH 27, 2000

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Case Nos. 99-1010, 1029, 1030

ART MANNING,

Plaintiff - Appellee - Cross-Appellant,

v.

MCGRAW-HILL, INC.,

Defendant - Appellant - Cross Appellee.

DEFENDANT APPELLANT--CROSS-APPELLEE'S CITATION OF ADDITIONAL AUTHORITY

Defendant/Appellant/Cross-Appellee, McGraw-Hill, Inc., by and through its attorneys, cites the following additional authority for the appeal of this case.

1. *Reeves v. Sanderson Plumbing Products*, 99-536 (Cert. granted Nov. 8, 1999). The Supreme Court of the United States is considering the issue of the appropriate burden of proof in cases brought under the Age Discrimination in Employment Act (ADEA).

2. *Robin v. Espo Engineering Corp.*, 81 FEP Cases (BNA) 1332 (7th Cir. 2000), United States Court of Appeals for the Seventh Circuit affirmed the district court's

granting summary judgment against the plaintiff, a sales representative, in an ADEA case bearing strong resemblance to this case.

3. *McCarthy v. N.Y.C. Technical College*, 81 FEP Cases (BNA) 1193 (2nd Cir. 2000). The Court of Appeals for the Second Circuit affirmed the district court's entry of judgment as a matter of law (JMOL) in an Age Discrimination in Employment Act case because of lack of evidence of discrimination.

Dated March 27, 2000.

Respectfully submitted,

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